

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RICHARD KULICK,

Plaintiff,

-against-

GAMMA REAL ESTATE LLC, GRE JV SLP  
LLC, GAMMA FUNDING SPECIAL  
LIMITED PARTNER LLC, JV  
MANAGEMENT LLC, N. RICHARD  
KALIKOW, JONATHAN KALIKOW, JOHN  
ILLUZZI, and VAN NGUYEN,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 8/24/2020

1:20-cv-03582 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

Defendants have requested to seal certain contracts related to their motion to dismiss several of Plaintiff's claims [ECF #24]. Plaintiff opposes the request to seal the documents, but consents to redaction of the names of investors who are not parties to this case [ECF #27]. Because Defendants have stated that the contracts in question foreclose entirely the claims subject to the motion, the Court will not permit the contracts to be filed under seal. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 122-23 (2d Cir. 2006) ("contested documents" subject to a dispositive motion are subject to the "presumption of public access"). The alleged harm in disclosing the contracts is largely limited to disclosing the identities of investors and partners, giving insight into confidential business transactions. That harm may be remedied by redaction of the identities of such individuals. *Cf. Press-Enterprise Co. v. Superior Court*, 478 U.S. 1, 13-14 (1986) (requiring that orders to seal are "narrowly tailored" to serve the interests alleged.). Accordingly, it is hereby ordered that

Defendants' motion to seal the contracts [ECF#24] is DENIED.

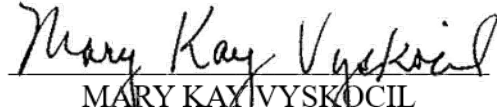
IT IS FURTHER ORDERED that Defendants must file publicly accessible versions of all documents previously submitted under seal on or before September 4, 2020. Defendants may redact from that filing only the following information

- Names of non-party investors, partners, and tenants
- Other specific information which, if disclosed, would allow a third party to determine, without further inquiry, the identity of such a non-party investor, partner, or tenant.

IT IS FURTHER ORDERED that the Parties must meet and confer regarding the proposed redactions. To the extent the Parties disagree about redacting any information, by August 28, 2020, the Parties must submit a joint letter to the Court explaining the disagreement and all efforts to resolve it. The letter must attach a list of all information, with citations to pages and section numbers, over which the Parties disagree. The list may be filed under seal, but the joint letter may be redacted only to the extent necessary to protect the identities of non-parties.

SO ORDERED.

Dated: August 24, 2020  
New York, New York

  
MARY KAY VYSKOČIL  
United States District Judge